## UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA


State of Minnesota, by Michael Campion, its Commissioner of Public Safety,

Court File No. 0:08-cv-00603-DWF-AJB

Plaintiff,

v.

CMI of Kentucky, Inc., A Kentucky Corporation, DECLARATION OF DANIEL J. KOEWLER IN SUPPORT OF INTERVENORS' RESPONSE TO DEFENDANT'S MOTION TO

Defendant **DISMISS** 

Robert J. Bergstrom, Craig A. Zenobian, Shane M. Steffensen and Christopher D. Jacobsen,

Plaintiff-Intervenors

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STATE OF MINNESOTA )

) SS

COUNTY OF RAMSEY )

Daniel J. Koewler, being duly sworn on oath, states and alleges as follows:

- I am the attorney representing the Plaintiff-Intervenors in this matter and offer this Declaration in support of Plaintiff-Intervenor Christopher D. Jacobsen's Opposition Response to Defendant CMI's Motion to Dismiss.
- 2. A true and correct copy of the State of Minnesota Request for Proposal,
  Titled "Evidentiary Breath Alcohol Test Instruments," in this matter is marked as **Ex. 1.**

3. A true and correct copy of CMI, Inc.'s October 25, 2006 Transmittal Letter

in response to the State of Minnesota's Request for Proposal is marked as Ex. 2.

4. A true and correct copy of CMI, Inc.'s signed Proposal in Response to the

State of Minnesota's Request for Proposal in this matter is marked as Ex. 3.

5. A true and correct copy of the State of Minnesota Notification of Contract

Award is marked as Ex. 4.

6. A true and correct copy of written amendments to the contract between

CMI, Inc. and the State of Minnesota that have been revealed to Plaintiff-Intervenors so

far is marked as Ex. 5.

RAMSAY & ASSOCIATES, P.L.L.C.

Dated: February 6, 2009

/s/ Daniel J. Koewler

Daniel J. Koewler ID No. 388460

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